

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-4321

WATER DIVISION 1-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-4321 is held by the Harold Moles Testamentary Trust, and the Avis L. Moles Testamentary Trust.
2. Appropriation A-4321 has a priority date of August 7, 1948, and authorizes the use of water for irrigation of the 37 acres of land described below. The water may be diverted from Elm Creek at a point of diversion located on the south bank of the stream in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 8 North, Range 18 West of the 6th P.M. in Buffalo County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 115 acres irrigated at a maximum rate of 0.32 cfs.

Township 8 North, Range 18 West of the 6 th P.M. in Buffalo County			Acres
Section 3:	NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 4)		24
	NE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 3)		12
	SE $\frac{1}{4}$ NW $\frac{1}{4}$		<u>1</u>
TOTAL			37


3. Gary Mike Hubbard and Shawn Pedro Hubbard, Trustees of the Harold Moles Testamentary Trust, and Trustees of the Avis L. Moles Testamentary Trust, filed Relinquishment of Water Appropriation, REL-1973, in the office of the Department relinquishing the right to divert water under appropriation A-4321 for use upon the land described above.

ORDER

IT IS HEREBY ORDERED appropriation A-4321 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

December 14, 2010


Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. A copy of this Order was provided to the Department's field offices in Bridgeport and North Platte, Nebraska. A copy of this Order was mailed on December 14, 2010, to the following:

Harold Moles Testamentary Trust and the
Avis L. Moles Testamentary Trust
c/o Gary Mike Hubbard, Trustee
PO Box 264
Elm Creek, Nebraska 68836

Cathleen H. Allen
Leininger, Smith, Johnson
Baack, Placzek & Allen
P.O. Box 790
Grand Island, Nebraska 68802

Harold Moles Testamentary Trust and the
Avis L. Moles Testamentary Trust
c/o Shawn Pedro Hubbard, Trustee
PO Box 264
Elm Creek, Nebraska 68836